

DELTA PROTECTION COMMISSION
ROLL CALL SHEET
Agenda Item #8

SACRAMENTO COUNTY

NAME

Barber, George

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Brean, Ron

✓

Broddrick, Ryan

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Cabaldon, Christopher

✓

Calone, Robert

✓

Canciamilla, Joe

✓

Curry, Bill

✓

Ferreira, Darrell

✓

Harris, Fred

✓

CHAIRMAN, McCarty

✓

McGowan, Mike

✓

Mello, Steve

✓

Nottoli, Don

✓

Potter, Bob

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Rhodes, Gloryanna

✓

Salmon, William

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Sanders, Dwight

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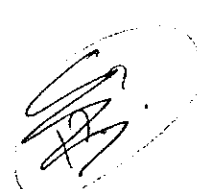
Thomson, Skip

✓

A.J. Yates

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DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
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May 15, 1998

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Submittal of SACRAMENTO COUNTY Regarding Amendment to the Land Use and Resource Management Plan for the Primary Zone of the Delta to Include Utilities and Infrastructure Policy P-3
(For Commission Action)

Background:

On February 23, 1995, the Delta Protection Commission adopted the Plan. The Delta Protection Act (Act) states that within 180 days of the adoption of the Plan, or any amendments by the Commission, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the Act and the Plan (PRC, Section 29763).

To comply, Sacramento County proposed an amendment to the County General Plan to "incorporate the Delta Protection Commission's 'Land Use and Resource Management Plan for the Primary Zone of the Delta' (Delta Plan), excluding Policy P-3 of the Utilities and Infrastructure Section, a copy of which is on file with the Sacramento County Planning and Community Development Department, and is incorporated herein by reference."

On May 23, 1996, the Commission reviewed and concurred with the proposed amendment to the Sacramento County General Plan.

On September 5, 1996, the Board of Supervisors amended the County General Plan as proposed.

Proposed General Plan Amendment to Address Utilities and Infrastructure Policy P-3:

On April 4, 1997, at the direction of the Commission, staff sent a letter to Sacramento County informing the County of the new regulation (Utilities and Infrastructure Policy P-3) which has been amended into the Commission's Plan, and approved by the Office of Administrative Law as a regulation.

That regulation states:

New sewage treatment facilities (including storage ponds) and areas for disposal of sewage effluent and sewage sludge shall not be located within the Delta Primary Zone. [Note: The Rio Vista project, as described in the adopted Final Environmental Impact Report for such project, and the Ironhouse Sanitary District use of Jersey Island for disposal of treated wastewater and biosolids are exempt from this policy.]

Description of Lands within Sacramento County in the Primary Zone:

Sacramento County extends through the northern half of the Delta, from I-5, southwest to the confluence of the Sacramento and San Joaquin Rivers, covering about 95,000 acres (see attached map). The Sacramento County portion is about 20 percent of the Primary Zone. Islands and tracts in Sacramento County include: Pierson District, Sutter Island, Grand Island, McCormack-Williamson Tract, Dead Horse Island, Tyler Island, the southern half of Brannan-Andrus Island, Twitchell Island, and Sherman Island. Communities in the Primary Zone include: Courtland, Hood, Locke, Ryde, and Walnut Grove. The northern half of Brannan-Andrus Island, including the City of Isleton, is in the Secondary Zone. The State of California owns much of the southernmost part of the County, including Lower Sherman Island Wildlife Area, Sherman and Twitchell Islands, and the Brannan Island State Recreation Area.

Sacramento County's Submittal:

Sacramento County Planning and Community Development Department has submitted a letter dated February 3, 1998, which states a General Plan amendment is being initiated to "include Policy P-3 of the Utilities and Infrastructure Section of the 'Land Use and Resource Management Plan for the Primary Zone of the Delta' as part of the Delta Plan that the Board of Supervisors previously incorporated into the General Plan".

Analysis of Proposal in Comparison with the Commission's Adopted Plan and Act:

Staff analysis is that the proposed amendment is consistent with Section 29763.5 of the Delta Protection Act, and will ensure the Sacramento County General Plan is consistent with the Commission's Plan, as amended.

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting From the Proposal Which Were Not Previously Addressed in the Commission's Planning Documents:

The County's proposed General Plan amendment to include Utilities and Infrastructure Policy P-3 as part of the Delta Plan that the Board of Supervisors previously incorporated into the Sacramento County General Plan would result in no additional environmental impacts beyond those outlined in the environmental analysis prepared in support of the Commission's adoption of the amendment of the Delta Plan on September 26, 1996.

Public Review and Comment Period:

The Commission's regulations require a thirty day review and comment period. A notice setting a thirty day period was published on March 8, 1998 in the Sacramento Bee and the Stockton Record, newspapers of general circulation in the Delta area. The thirty day comment period started on March 13, 1998 and ended on April 10, 1998.

A public hearing was held at the March 26, 1998 Delta Protection Commission meeting; there were no comments at the public hearing.

One letter was received during the comment period from Sacramento County (attached). The letter outlines concerns about improvements to existing sewage treatment facilities in Courtland and Walnut Grove. This letter is not an environmental comment; it is rather a misinterpretation of the Commission's Plan. Delta Protection Commission staff has indicated to Sacramento County staff that Utilities and Infrastructure Policy P-3 applies to new facilities; there is no prohibition in the Plan on maintenance or mandated upgrading of existing facilities to meet public health and safety needs, or to meet modest growth within the existing Delta unincorporated communities.

Staff Recommendation:

After reviewing the one written comment submitted during the thirty day review and comment period, staff recommends that Commission adopt the attached draft resolution finding the County's submittal is in conformance with the Delta Protection Act.

**DRAFT RESOLUTION OF ADOPTION OF SACRAMENTO COUNTY SUBMITTAL
REGARDING UTILITIES AND INFRASTRUCTURE POLICY P-3**

WHEREAS, the Delta Protection Commission adopted the "Land Use and Resource Management Plan for the Primary Zone of the Delta (Plan) on February 23, 1995; and

WHEREAS, the Commission adopted an amendment to the Plan adopting Utilities and Infrastructure Policy P-3 as a regulation on September 26, 1996; and

WHEREAS, Utilities and Infrastructure Policy P-3 states:

New sewage treatment facilities (including storage ponds) and areas for disposal of sewage effluent and sewage sludge shall not be located within the Delta Primary Zone. [Note: The Rio Vista project, as described in the adopted Final Environmental Impact Report for such project, and the Ironhouse Sanitary District use of Jersey Island for disposal of treated wastewater and biosolids are exempt from this policy.]; and

WHEREAS, the Sacramento County Planning Department staff submitted a letter dated February 3, 1998, which described the proposed General Plan amendment which would include Utilities and Infrastructure Policy P-3 as part of the Delta Plan that the Board of Supervisors previously incorporated into the General Plan; and

WHEREAS, the Delta Protection Act requires that the Commission act on proposed general plan amendments within 60 days of submittal;

WHEREAS, before approving the proposed general plan amendment, the Commission is required to make the following findings:

(A) The general plan, and any development approved or proposed that is consistent with the plan, are consistent with the regional plan.

(B) The general plan, and any development approved or proposed that is consistent with the plan, will not result in wetland or riparian loss.

(C) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation of water quality.

(D) The general plan, and any development approved or proposed that is consistent with the plan, will not result in increased nonpoint source pollution.

(E) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or reduction of Pacific Flyway habitat.

(F) The general plan, and any development approved or proposed that is consistent with the plan, will not result in reduced public access, provided the access does not infringe on private property rights.

(G) The general plan, and any development approved or proposed that is consistent with the plan, will not expose the public to increased flood hazard.

(H) The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.

(I) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or impairment of levee integrity.

(J) The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact navigation.

(K) The general plan, and any development approved or proposed that is consistent with the plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

WHEREAS, upon receipt of the Sacramento County proposed General Plan amendment, Commission staff prepared a staff report and preliminary recommendation to the Commission, including an analysis of the proposed amendments in comparison to the Plan and Act, and an analysis identifying any potentially significant adverse environmental impacts resulting from the proposed amendment which was not previously addressed in the Commission's planning documents; and

WHEREAS, notice of the availability of the staff report and staff recommendation was provided to the public through a notice published on March 8, 1998 in the Sacramento Bee and the Stockton Record, newspapers of general circulation in the Delta area; and

WHEREAS, a thirty day review and comment period was noticed in the Sacramento Bee and the Stockton Record, commencing on March 13, 1998, and ending on April 10, 1998 to allow for submittal of written comments; and

WHEREAS, a public hearing was held on March 26, 1998; and

WHEREAS, Commission staff has consulted with all public agencies which have jurisdiction by law over the activities or resources affected by the proposed general plan amendments; and

WHEREAS, Commission staff is required to prepare a written summary and response to all significant environmental points raised during the Commission's evaluation of the proposed general plan amendments and present the summary and response to the Commission for consideration and approval priority to or at the same time as the Commission considered the proposed general plan amendment for approval; and

WHEREAS, the Commission has not received any environmental comments on the proposed amendment; and

WHEREAS, the Commission has determined that the proposed general plan amendment will not result in any potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning documents; and

WHEREAS, the Commission finds that findings (A) through (K), above, regarding the proposed general plan amendment for Sacramento County, satisfy the requirements of Public Resources Code Section 29763.5;

NOW THEREFORE BE IT RESOLVED, the Delta Protection Commission has approved, by a majority vote of the Commission membership, the proposed general plan amendment of Sacramento County.



COUNTY OF SACRAMENTO

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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Ana Rhodes, ASO III
Administration

March 31, 1998

Ms. Margit Aramburu
Executive Director
Delta Protection Commission
P.O. Box 530
Walnut Grove, CA 95690

Subject: Sacramento County's Proposed General Plan Amendment Regarding Policy P-3

Dear Ms. Aramburu:

This letter is in response to your Notice and request for written comments concerning our proposed amendment to the Sacramento County General Plan to incorporate Utilities and Infrastructure Policy P-3 into the General Plan.

It is important to note that the language set forth in Policy P-3 has not yet been adopted by Sacramento County. The County Board of Supervisors has initiated the project and the hearing process; the hearing process has yet to run its course. As indicated in a letter to you dated February 3, 1998, from Mr. Darryl Goehring of my staff, the policy language could be modified by that hearing process prior to adoption by the Board of Supervisors.

At the same time that Mr. Goehring's letter advised you of our proceeding with this project, other County agencies were also advised of the project and invited to submit comments with respect to our hearing process. The Sacramento County Public Works Agency has raised the significant concern that a strict reading of the language of Policy P-3 would preclude any needed improvements to the Courtland and Walnut Grove sewage treatment facilities. That concern will be taken into consideration as our hearing process proceeds.

Ms. Margit Aramburu

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March 31, 1998

Thank you for the opportunity to comment on Policy P.3. If you have any questions regarding Sacramento County's General Plan amendment hearing process, please feel free to call Dave Pevny or Darryl Goehring at 874-6170.

Sincerely,



Thomas W. Hutchings

Planning Director

c: Supervisor Don Nottoli

Robert Shanks, Director of District Engineering

MAP OF ZONES

[illegible]

LEGEND:

DELTA BOUNDARY - SECTION
12220 OF THE WATER CODE

☐ PRIMARY ZONE

☐ SECONDARY ZONE